

IN RE: PETITION FOR SPECIAL EXCEPTION \* BEFORE THE  
W/S Nunnery Lane, 380' N of  
Merrill Road \* ZONING COMMISSIONER  
(134 Nunnery Lane)  
1st Election District \* OF BALTIMORE COUNTY  
1st Councilmanic District \* Case No. 89-189-X  
Margaret Mianulli  
Petitioner

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special exception to permit a combination cleaning service and service garage (limousine service) operation on the subject property, as more particularly described in Petitioner's Exhibit 1.

The Petitioner, Margaret Mianulli, and Contract Purchaser, Michael J. Katzenberger, both appeared, testified, and were represented by Henry L. McKibie, Esquire. Also appearing on behalf of the Petition was Robert Spellman, of Spellman, Larson & Assoc., Inc. There were no Protests.

Testimony indicated that the subject property, known as 134 Nunnery Lane, is zoned B.L. and is currently improved with a one-story block building containing a cleaning company in the front. Contract Purchaser proposes using the subject property for the combined services of a cleaning company in the front and a limousine service in the rear.

Testimony indicated that the cleaning service is permitted as a matter of right in a B.L. zone and as such meets the requirements of Sections 230.6, 9 and 10. The limousine service, however, because it is a form of a service garage use, requires a special exception in the B.L. zone. The Petitioner's witnesses testified that, in their opinion, the proposed use at the subject property would not be detrimental to the

health, safety, and general welfare of the community, and that the conditions delineated in Section 502.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) will be satisfied. Further testimony indicated that the parking requirements for the subject property will be met and that the use proposed will meet the Floor Area Ratio requirements. Testimony presented indicated that there will be no mechanical repairs or body and/or fender work performed on-site on any of the vehicles used in conjunction with the limousine service. Further, there will be no gas and/or oil distribution or accessory work done in relationship thereto on the vehicles at the subject location. Petitioners testified that the rear of the property beyond the macadam drive-thru is currently planted with a 4' high compact screen planting strip in accordance with the Baltimore County Landscape Manual. Petitioners further agreed to maintain all planting areas on the subject property.

The use of the subject property for a cleaning service is permitted as a matter of right in the B.L. zone. As such, the requested special exception for the cleaning service is dismissed as moot.

It is clear that the B.C.Z.R. permits the limousine service use proposed in a B.L. zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest.

The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the special exception should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 16th day of December, 1988 that the Petition for Special Exception to permit a combination cleaning service and service garage (limousine service) operation on the subject property, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions, which are conditions precedent to the relief granted herein:

1) The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2) There shall be no mechanical repairs or body and/or fender work performed on-site on any of the vehicles used in conjunction with the limousine service. Further, there will be no gas and/or oil distribution or accessory work done in relationship thereto on the vehicles at the subject location.

3) Petitioners shall landscape the property in accordance with the Baltimore County Landscape Manual, and shall maintain all planting areas on the subject property.

4) There shall be no outside pugging system.

5) In the event the Petitioners change access to the site from two entranceways to one, Petitioner shall submit a revised site plan outlining the new access route. In addition, Petitioners will be required to comply with the requirements of the Office of Planning with respect to the streetscape landscaping as set forth in their comments dated November 15, 1988, attached hereto and made a part hereof.

6) Petitioner shall comply with all parking requirements.

7) Petitioner shall comply with all Floor Area Ratio requirements.

8) All exterior lighting for the subject property shall not exceed 14 feet in height and shall be diffused and directed away from adjoining residential properties.

9) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

J. Robert Haines  
Zoning Commissioner  
for Baltimore County

JRH:bjs

#### PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-189-X

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for a combination cleaning service/service garage (limousine service).

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:  
MICHAEL J. KATZENBERGER  
(Type or Print Name)  
Signature  
1203 REDCLIFFE RD.  
Address  
BALTIMORE, MD 21228  
City and State

Legal Owner(s):  
MARGARET MIANULLI  
(Type or Print Name)  
Signature  
DATE: 12/16/88  
200  
1000  
DP

Attorney for Petitioner:  
(Type or Print Name) Address Phone No.  
Signature City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted  
SPELLMAN, LARSON & ASSOC., INC.  
700 W. CHESAPEAKE AVE., SUITE 107  
TOWSON, MD 21204 823-3535  
Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 28th day of September, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 23rd day of November, 1988, at 2 o'clock P.M.

J. Robert Haines  
Zoning Commissioner of Baltimore County

SPELLMAN, LARSON & ASSOCIATES, INC.  
SUITE 107 - JEFFERSON BUILDING  
100 W. CHESAPEAKE AVENUE  
TOWSON, MARYLAND 21204  
823-3535

#### DESCRIPTION FOR A SPECIAL EXCEPTION TO ZONING - 134 NUNNERY LANE, 1ST DISTRICT, BALTIMORE COUNTY, MD

Beginning for the same at a point on the West side of Nunnery Lane said point being at the distance of 380 feet, more or less, measured Northerly along the West side of Nunnery Lane from the North side of Merrill Road and running thence and binding on the West side of Nunnery Lane North 05 Degrees 45 Minutes 20 Seconds West 110.85 feet thence leaving the West side of Nunnery Lane and running South 81 Degrees 20 Minutes 00 Seconds West 167.02 feet South 23 Degrees 10 Minutes 40 Seconds West 131.50 feet and North 81 Degrees 20 Minutes 00 Seconds East 232.54 feet to the place of beginning.

Containing 0.51 acres of land, more or less.

7/29/88



RESIDENTIAL & COMMERCIAL DEVELOPMENT DESIGN • LAND SURVEYING  
LAND PLANNING • SUBDIVISION LAYOUT • FEASIBILITY STUDIES • ESTIMATING  
GRADING STUDIES • LOCATION SURVEYS • TECHNICAL CONSULTATION

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3333

J. Robert Haines  
Zoning Commissioner

Date: 11/10/88

Mr. Michael J. Katzenberger  
1203 Redcliffe Road  
Baltimore, Maryland 21228

Re: Petition for Special Exception  
CASE NUMBER: 89-189-X  
W/S Nunnery Lane, 380' N Merrill Road  
(134 Nunnery Lane)  
1st Election District - 1st Councilmanic  
Legal Owner: Margaret Mianulli  
Contract Purchaser: Michael J. Katzenberger  
HEARING SCHEDULED: WEDNESDAY, NOVEMBER 23, 1988 at 2:00 p.m.\*

Dear Mr. Katzenberger:

Please be advised that \$44.00 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 106, Towson, Maryland 21204, 15 minutes before

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT  
DATE: 11/17/88 ACCOUNT: P-01-615-000  
AMOUNT: \$ 84.00  
RECEIVED FROM: M. J. Katzenberger, Inc.  
FOR: Posting Signs  
B 8200 \*\*\*\*\* 89-189-X  
VALIDATION OR SIGNATURE OF CASHIER  
DATE: 11/17/88 TIME: 4:00 PM

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3333  
J. Robert Haines  
Zoning Commissioner

October 10, 1989

#### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Special Exception  
CASE NUMBER: 89-189-X  
W/S Nunnery Lane, 380' N Merrill Road  
(134 Nunnery Lane)  
1st Election District - 1st Councilmanic  
Legal Owner: Margaret Mianulli  
Contract Purchaser: Michael J. Katzenberger  
HEARING SCHEDULED: WEDNESDAY, NOVEMBER 23, 1988 at 2:00 p.m.\*

Special Exception: A combination cleaning service/service garage (limousine service).

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES  
Zoning Commissioner of  
Baltimore County  
cc: Michael J. Katzenberger  
Spellman, Larson & Assoc.  
File

\*NOTE:  
IF PHASE II OF THE SHOW  
EXPERIMENT PLAN IS IN  
EFFECT IN BALTIMORE  
COUNTY BY 8:30 a.m.  
ON THE DATE OF THE ABOVE  
HEARING, SUCH HEARING  
WILL BE POSTPONED AND  
TENTATIVELY RESCHEDULED  
FOR THURSDAY, DECEMBER  
22, 1989. PLEASE TELEPHONE  
DOCKET OFFICE AT  
494-3331 TO CONFIRM  
DATE.



**CERTIFICATE OF POSTING**  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

89-189-X

District: 13th Date of Posting: November 3, 1988  
Posted for: Special Exception  
Petitioner: Margaret Mianulli - Legal Owner  
Location of property: W/S Nunnery Lane, 380' N. of Merrill Road  
(134 Nunnery Lane)  
Location of Sign: South side of 134 Nunnery Lane  
Remarks: See J. Robert Haines  
Posted by: J. Robert Haines Date of return: November 4, 1988  
Number of Signs: 1

**CERTIFICATE OF PUBLICATION**

TOWSON, MD. November 3, 1988  
THIS IS TO CERTIFY, that the annexed advertisement was published in Catonsville Times a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on November 3, 1988.

THE JEFFERSONIAN,

S. Zake Olson  
Publisher

PO 05764  
reg M20392  
case 89-189-X  
price \$69.00

**MIDY TIDY, INC.**  
Cleaning Services  
1203 Redcliffe Road  
Baltimore, Maryland 21228  
(301) 744-6620

Mr. J. Robert Haines  
Zoning Commissioner  
Baltimore County  
County Office Building  
Towson, Maryland 21204

Re: 134 Nunnery Lane  
1st District

Dear Commissioner Haines:

I am in the process of purchasing the above-captioned property with the intention of relocating my business at that location.

My business consists of a residential and commercial cleaning company and also a limousine service. The zoning classification assigned to the subject property requires a special exception in order to operate the limousine service whereby the cleaning operation is permitted by right.

My engineer, Spellman, Larson & Associates has prepared the necessary documentation for the special exception and has filed the petition with your office whereby at this point I am respectfully requesting that you give consideration to this petition for an early Hearing date.

My problem with regard to this situation is related to the physical relocation of my business and a 60 day contractual limitation imposed by seller. The hardship that exists is that if the special exception is not granted I will have to make other arrangements for the operation of my limousine service. At the present time, I am unable to make any of the relocation renovations due to the fact that the entire floor layout will change depending upon the decision on the limousine special exception.

Therefore, I would appreciate whatever consideration you may afford us in granting an early hearing date to this case.

Respectfully yours,  
M. J. Katzenberger  
Michael J. Katzenberger

MJK:88

**BALTIMORE COUNTY OFFICE OF PLANNING & ZONING**  
County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Your petition has been received and accepted for filing this 28th day of September, 1988.

Michael J. Katzenberger  
Petitioner's Attorney  
Margaret Mianulli, LO  
Received by: JAMES E. DYER  
Chairman, Zoning Plans  
Advisory Committee

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
887-3353

J. Robert Haines  
Zoning Commissioner

December 6, 1988

Henry L. McRobie, Esquire  
McRobie and Shaw  
715 Ingleside Avenue  
Baltimore, Maryland 21228

RE: PETITION FOR SPECIAL EXCEPTION  
W/S Nunnery Lane, 380' N of Merrill Road  
(134 Nunnery Lane)  
1st Election District - 1st Councilmanic District  
Margaret Mianulli - Petitioner  
Case No. 89-189-X

Dear Mr. McRobie:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Exception has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

J. Robert Haines  
J. ROBERT HAINES  
Zoning Commissioner  
for Baltimore County

JRH:bjs

cc: People's Counsel

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3353

J. Robert Haines  
Zoning Commissioner

July 12, 1988

Mr. Joseph L. Larson  
Spellman, Larson & Associates, Inc.  
Suite 107 - Jefferson Building  
105 W. Chesapeake Avenue  
Towson, Maryland 21204

RE: 134 Nunnery Lane  
Catonsville, Maryland  
1st Election District

Dear Mr. Larson:

Based upon the information you have provided, please be advised that the above-referenced property is zoned Business, Local (B.L.). The proposed use of the property is a combination limousine service where the vehicles will be housed and a cleaning company with a sales, customer service, and storage area.

The Baltimore County Zoning Regulations (B.C.Z.R.) defines service garage where motor-driven vehicles are stored, equipped for operation, repaired, or kept for remuneration, hire or sale. The limousine service would fit into this definition, so this use would be permitted in the B.L. zone by Special Exception only.

The cleaning company would be a combination of retail/office. This would be permitted in the B.L. Zone as a matter-of-right.

To pursue the combination of a limousine service/cleaning company, use in the B.L. zone, a Special Exception Hearing would be required. If you need further assistance, please do not hesitate to contact me at 494-3391.

Very truly yours,

James E. Dyer  
JAMES E. DYER  
Zoning Supervisor  
BY: MITCH KELLMAN  
Planning & Zoning  
Associate III

MK:cer

Baltimore County  
Fire Department  
Towson, Maryland 21204-2586  
494-4800

Paul H. Reincke  
Chief

September 28, 1988

J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

Dennis F. Rasmussen  
County Executive

Re: Property Owner: Legal Owner - Margaret Mianulli  
Contract Purchaser - Michael J. Katzenberger  
Location: W/S of Nunnery La., 380' N. of Merrill Road  
Item No.: 104

Zoning Agenda: Meeting of 9/27/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- ( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals or \_\_\_\_\_ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- ( ) 2. A second means of vehicle access is required for the site.
- ( ) 3. The vehicle dead end condition shown at \_\_\_\_\_ EXCEEDS the maximum allowed by the Fire Department.
- ( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- ( ) 6. Site plans are approved, as drawn.
- ( ) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: Pat Spellman 9/28/88  
Planning Group  
Special Inspection Division  
Noted and Approved: John F. O'Neill  
Fire Prevention Bureau

/s/

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3353

J. Robert Haines  
Zoning Commissioner

Mr. Robert Holsey  
2428 Eugene Avenue  
Baltimore, Maryland 21219

RE: Petition for Zoning Variances  
CASE NUMBER: 89-189-X

Dear Mr. Holsey:

Please be advised that \$106.25 is due for advertising and posting of the above referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign & post set(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

Please note that should you fail to return the sign & post set(s), there will be an additional \$25.00 added to the above fee for each such set not returned.

Very truly yours,

J. ROBERT HAINES  
Zoning Commissioner of  
Baltimore County

**BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE**

November 14, 1988

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204

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MEMBERS  
Bureau of Engineering  
Department of Traffic Engineering  
State Roads Commission  
Bureau of Fire Prevention  
Health Department  
Project Planning  
Building Department  
Board of Education  
Zoning Administration  
Industrial Development

Mr. Michael J. Katzenberger  
1203 Redcliffe Road  
Baltimore, Maryland 21228

RE: Item No. 104 - Case No. 89-189-X  
Petitioner: Michael J. Katzenberger, Contract Purchaser  
Margaret Mianulli, Legal Owner  
Petition for Special Exception

Dear Mr. Katzenberger:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:dt

cc: Spellman, Larson & Associates, Inc.  
Suite 107  
105 W. Chesapeake Avenue  
Towson, Maryland 21204

**BALTIMORE COUNTY, MARYLAND**

**INTER-OFFICE CORRESPONDENCE**

J. Robert Haines  
TO: Zoning Commissioner Date: November 14, 1988  
Pat Keller, Deputy Director  
FROM: Office of Planning and Zoning  
Margaret Mianulli  
SUBJECT: Zoning Petition No. 89-189-X

The applicant is requesting a special exception to establish a combination cleaning service and service garage for limousine service. Based upon analysis conducted and information provided, staff recommends approval of the applicant's request subject to the following:

- an 8-foot landscape buffer will be maintained between the property and all residential zones (south side of property shows 7.5 feet); and
- a landscape plan as approved by the County Landscape Planner shall be designated to provide adequate streetscape plantings along Nunnery Lane and buffering along the south and east sides of the property. Landscaping should also be provided along the northern portion of the parcel; and
- outside speakers for employee paging should not be provided; and
- exterior lighting standards shall not exceed 20-feet in height, be directed away from residential property and not project more than .2 foot candles at ground level at property line.

FK/sf



